

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

Empower Retirement, LLC,  
Plaintiff,  
v.  
Joseph R. Diaz,  
Defendant.

No. 2:22-cv-00489-KJM-CKD  
ORDER

On February 13, 2023, the magistrate judge filed findings and recommendations (ECF No. 23), which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within seven (7) days. No objections were filed.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . ."). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

////

////

////

1 Accordingly, IT IS HEREBY ORDERED:

2 1. The findings and recommendations (ECF No. 23) are ADOPTED IN FULL.

3 2. Plaintiff's motion for default judgment against defendant for unjust enrichment and

4 conversion (ECF No. 13) is GRANTED.

5 3. Plaintiff is awarded final judgment in the amount of \$727,173.16, representing damages

6 for conversion, plus

7 a. Pre-judgment interest from September 24, 2021, through entry of judgment at a

8 rate of 7 percent per annum and based on a 365-day year (a daily rate of

9 approximately \$139.46); and

10 b. Any post-judgment interest accruing after the entry of judgment in accordance

11 with federal law.

12 4. This case is closed.

13 DATED: March 29, 2023.

14   
15 CHIEF UNITED STATES DISTRICT JUDGE

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28